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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,996	06/08/2001	Marten Rignell	032927-007	8348
7590	11/15/2004		EXAMINER	
Ronald L. Grudziecki BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Ov/B

Office Action Summary	Application No.	Applicant(s)
	09/875,996	RIGNELL ET AL.
Examiner	Art Unit	
Md S Elahee	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 July 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-9 and 11-17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-9 and 11-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 07/27/04. Claims 1, 2, 4-9 and 11-17 are pending. Claims 3 and 10 have been cancelled.

Response to Arguments

2. Applicant's arguments filed 1, 2, 4-9 and 11-17 have been fully considered but they are not persuasive.

Regarding claim 1, The Applicant argues on page 14, lines 24-28 that Nowhere does Arinell disclose sending a message containing update and/or support information enabling the mobile unit to perform an automatic update of the settings thereby correcting said one or more problems, as defined in claim 1. The examiner disagrees with this argument. Because, the Arinell teaches that the terminal owner obtains the information concerning the problem he is experiencing from the network operator (col.3, lines 33-37) and obtains help from the network operator to correct the problem (col.3, line 37). Therefore, it is inherent that the terminal owner is making a help request to the O&M system in order to correct the problem and the terminal owner receives proper instruction to correct problem (see col.3, lines 30-49). Furthermore, the error correcting decoder corrects error (see col.3, lines 1-5). Thus the rejection of the claim in view of Arinell remain. Furthermore, another rejection of claims 1, 8 and 15 are applied below in view of Zhang.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 6, 8-10, 12, 13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Arinell (U.S. Patent No. 5,694,451).

Regarding claims 1, 8 and 15, Arinell teaches generating inherently a help (i.e., support) request at the mobile unit (fig.1; col.3, lines 33-56). Because, the terminal owner is experiencing problems.

Arinell further teaches sending a help (i.e., support) message to an operation and maintenance system (O&M) (i.e., remote support location) on the basis of the help request, the help message relating to one or more problems (fig.1; col.3, lines 33-56).

Arinell further teaches receiving the help (i.e., support) message at the operation and maintenance system (O&M) (i.e., remote support location) (fig.1; col.3, lines 33-56).

Arinell further teaches generating help (i.e., support) information enabling solving of the one or more problems at least partially (fig.1; col.3, lines 33-56).

Arinell further teaches providing the help (i.e., support) information at the mobile unit (fig.1; col.3, lines 33-56).

Arinell further teaches that the help (i.e., support) information is provided to the mobile unit by sending a message containing help (i.e., update and/or support) information enabling the mobile unit to perform inherently an automatic update of the settings thereby correcting the one or more problems (abstract; fig.1; col.3, lines 33-56).

Regarding claims 2 and 9, Arinell teaches a subscriber (i.e., user) action (fig.1; col.3, lines 33-56).

Arinell further teaches any internal event like a timer event, an error event, etc., or a status check performed at a regular time interval (abstract; col.3, lines 33-56).

Arinell further teaches that a message is received from the operation and maintenance system (O&M) (i.e., remote support location) (fig.1; col.3, lines 33-56).

Regarding claims 5 and 12, Arinell teaches that the support information comprises information regarding/representing one or more of the one or more unit settings/parameters, unit identification, status of the mobile unit, an internal state of the mobile unit, at least one error code, at least one version number of software, hardware, firmware, etc. in the mobile communications unit, which hardware/physical/functional units/modules that are or have been connected with the mobile unit, or other relevant information (abstract; col.2, lines 50-67).

Regarding claims 6 and 13, Arinell teaches that the mobile unit is a mobile phone (fig.1; col.3, lines 33-56).

Regarding claim 16 is rejected for the same reasons as discussed above with respect to claim 1.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 8 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang (U.S. Pub. No. 2001/0049263).

Regarding claims 1, 8 and 15, Zhang teaches generating a support request at the mobile unit (fig.1; page 1, paragraph 0013, page 2, paragraph 0024). (Note; since, the terminal owner is experiencing problems, it is inherent to generate a support request at the mobile unit)

Zhang further teaches sending a message (i.e., support message) to a service center (i.e., remote support location) on the basis of the support request, the message relating to one or more errors (i.e., problems) (fig.1; page 1, paragraph 0013, page 2, paragraph 0024).

Zhang further teaches receiving the message at the service center (page 2, paragraph 0024, page 3, paragraph 0027).

Zhang further teaches generating instruction (i.e., support information) enabling solving of the one or more errors at least partially (page 3, paragraph 0027).

Zhang further teaches providing the instruction at the mobile unit (page 3, paragraphs 0027, 0028).

Zhang further teaches that the instruction is provided to the mobile unit by sending a message containing update and/or support information enabling the mobile unit to perform inherently an automatic update of the settings thereby correcting the one or more errors (page 3, paragraphs 0027, 0028, page 4, paragraph 0042).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arinell (U.S. Patent No. 5,694,451) and in view of Peltonen (U.S. Patent No. 6,393,274).

Regarding claims 4, 11 and 17, Arinell fails to teach “said support information is comprised in an SMS message”. Peltonen teaches that the support information is comprised in an SMS message (col.7, lines 64-67, col.8, lines 1-9). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arinell to allow the support information being comprised in an SMS message as taught by Peltonen. The motivation for the modification is to download the possible APS functions in the mobile unit.

9. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arinell (U.S. Patent No. 5,694,451) and in view of Stedman et al. (U.S. Patent No. 6,539,499).

Regarding claims 7 and 14, Arinell fails to teach “said sending of said support message to said remote support location is based on contact information relating to a phone number or an IP address, and that said contact information is one or more of the following stored in the mobile unit, stored on a SIM card, entered by a user, or a part of said message received from said remote support location”. Stedman teaches that the sending of the support message to the remote support location is based on contact information relating to a phone number or an IP address, and that the contact information is one or more of the following stored in the mobile unit, stored on a SIM card, entered by a user, or a part of said message received from said remote support location (abstract; fig.3; col.6, lines 21-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arinell to allow the sending of the support message to the remote support location is based on contact information relating to a phone

number or an IP address, and that the contact information is one or more of the following stored in the mobile unit, stored on a SIM card, entered by a user, or a part of the message received from the remote support location as taught by Stedman. The motivation for the modification is have doing so in order to provide the technical support to the mobile user.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ying (U.S. Patent 6,757,521) teach Method and system for locating and assisting portable devices performing remote diagnostic analysis of a control network and Elwin (U.S. Patent 6,317,596) teach Error detecting and reporting system in a wireless communication network.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703)305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703)305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. E.

MD SHAFIUL ALAM ELAHEE
November 4, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

